



Adopted in House Comm. on Feb 25, 2009

09600HB0766ham001

LRB096 09065 DRJ 22249 a

1 AMENDMENT TO HOUSE BILL 766

2 AMENDMENT NO. _____. Amend House Bill 766 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 adding Section 1-8.5 as follows:

6 (305 ILCS 5/1-8.5 new)

7 Sec. 1-8.5. Eligibility for medical assistance during
8 periods of incarceration or detention.

9 (a) To the extent permitted by federal law and
10 notwithstanding any other provision of this Code, the
11 Department of Healthcare and Family Services shall not cancel a
12 person's eligibility for medical assistance solely because
13 that person has become an inmate of a public institution,
14 including, but not limited to, a county jail, juvenile
15 detention center, or State correctional facility. The person
16 may remain enrolled for medical assistance as long as all other

1 eligibility criteria are met.

2 (b) The Department may adopt rules to permit a person to
3 apply for medical assistance while he or she is an inmate of a
4 public institution as described in subsection (a). The rules
5 may limit applications to persons who would be likely to
6 qualify for medical assistance if they resided in the
7 community. Any such person who is not already enrolled for
8 medical assistance may apply for medical assistance no more
9 than 30 days prior to the date of scheduled release or
10 discharge from a penal institution or county jail or similar
11 status.

12 (c) Except as provided under Section 17 of the County Jail
13 Act, the Department shall not be responsible to provide medical
14 assistance under this Code for any medical care, services, or
15 supplies provided to a person while he or she is an inmate of a
16 public institution as described in subsection (a). The
17 responsibility for providing medical care shall remain as
18 otherwise provided by law with the Department of Corrections,
19 county, or other arresting authority. The Department may seek
20 federal financial participation, to the extent that it is
21 available and with the cooperation of the Department of
22 Juvenile Justice, the Department of Corrections, or the
23 relevant county, for the costs of those services.

24 (d) To the extent permitted under State and federal law,
25 the Department shall develop procedures to expedite required
26 periodic reviews of continued eligibility for persons

1 described in subsection (a).

2 (e) Counties, the Department of Juvenile Justice, and the
3 Department of Corrections shall cooperate with the Department
4 in administering this Section. That cooperation shall include
5 sharing information sufficient to inform the Department, in a
6 manner established by the Department, that a person enrolled in
7 the medical assistance program has been detained or
8 incarcerated. The Department of Human Services shall cooperate
9 with the Department in making determinations of eligibility
10 under this Section.

11 (f) The Department shall resume responsibility for
12 providing medical assistance upon release of the person to the
13 community as long as all of the following apply:

14 (1) The person is enrolled for medical assistance at
15 the time of release.

16 (2) Neither a county, the Department of Juvenile
17 Justice, the Department of Corrections, nor any other
18 criminal justice authority continues to bear
19 responsibility for the person's medical care.

20 (3) The county, the Department of Juvenile Justice, or
21 the Department of Corrections provides timely notice of the
22 date of release in a manner established by the Department.

23 (g) This Section applies on and after July 1, 2010."